

Application No. 09/557,696

REMARKS

Claims 1-13, 39-52 and 58-77 are pending. By this Amendment, claims 1, 58 and 64 are amended, and new claims 69-77 are added. Claim 14 has been canceled without prejudice. Applicants have amended claims 1, 58 and 64 to more particularly point out Applicants' claimed invention and to advance prosecution of the case. The amendment of claims 1, 58 and 64 are supported by the specification, for example, at paragraph 0051 of published divisional application 2005/0158690A. For convenience, Applicants refer to the published application, which has an identical specification except for the Cross Reference to Related Applications.

New claim 69 corresponds with an earlier version of claim 8 written in independent form, which had been previously allowable in the Office Action of February 27, 2000, with further clarifying amendments that have been introduced into claim 1. Claim 70 corresponds with claim 9. Claim 71 is supported by the language of present claim 1. Claims 72-77 correspond, respectively, to claims 2, 3, 10, 12, 40 and 44. No new matter is introduced by the amendments or by the new claims.

Applicants thank the Examiner for the courtesy extended to their undersigned representative in a phone interview on November 15, 2005 and Supervisory Examiner Warden for the courtesy extended to their undersigned representatives in phone interviews on November 22 and 23, 2005. In the phone interviews, Applicants' representative and the Examiners discussed general distinctions between the Applicants' approach and the teachings of the references. Examiner Gordon indicated that it was his view that references taught reactions in a flow, and agreement was not reached. Supervisory Examiner Warden indicated that a suitable approach for distinguishing the references might involve identifying the chemical phase of the reactive flow in Applicants' claimed invention. The amendments of claims 1, 58 and 64 are along the lines suggested by Supervisory Examiner Warden.

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Claims 1-14, 39-52 and 58-68 stand rejected. Applicants respectfully request reconsideration of the rejections based on the following comments.

Rejection Over Palmer et al.

The Examiner rejected claims 58-60, 62-65, 67 and 68 under 35 U.S.C. § 102(a) as being unpatentable over published PCT application WO 99/30817 to Palmer et al. (the Palmer application). While Applicants respectfully maintain that Applicants' previously presented claims are clearly patentably distinct from the teachings of the Palmer application, Applicants have amended their claims to more particularly point out their claimed invention. In view of the amendments, it is clear that the Palmer application does not render Applicants' invention *prima facie* anticipated. Applicants respectfully request reconsideration of the rejections over the Palmer application in view of the following comments.

In the amended claims, the fluid stream in which the reaction takes place comprises a gas, vapor, aerosol or a combination thereof. The Palmer application does not teach, suggest or motivate a reactive fluid stream comprising a gas, vapor, aerosol or combination thereof. Therefore, the Palmer application clearly does not render Applicants' claimed invention *prima facie* anticipated. Applicants respectfully request withdrawal of the rejection of claims 58-60, 62-65, 67 and 68 under 35 U.S.C. § 102(a) as being unpatentable over the Palmer application.

Rejection Over Brennan

The Examiner rejected claims 1-7, 10-14, 39, 40, 42-44, 51, 52, 63-66 and 68 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent 5,814,700 to Brennan (the Brennan patent). While Applicants respectfully maintain that Applicants' previously presented claims are patentably distinct from

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the teachings of the Brennan patent, Applicants have amended their claims to more particularly point out their claimed invention. In view of the amendments, the Brennan patent clearly does not render Applicants' claimed invention *prima facie* unpatentable. Applicants respectfully request reconsideration of the rejection in view of the following comments.

As amended Applicants' claims indicate that the fluid stream comprises a gas, vapor, aerosol or combination thereof. The Brennan patent does not teach, suggest or motivate a reactive fluid stream comprising a gas, vapor, aerosol or combination thereof. Therefore, the Brennan patent does not render Applicants' claimed invention *prima facie* unpatentable. Since the Brennan patent does not render Applicants' claimed invention *prima facie* unpatentable, Applicants respectfully request withdrawal of the rejection of claims 1-7, 10-14, 39, 40, 42-44, 51, 52, 63-66 and 68 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over the Brennan patent.

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CONCLUSIONS

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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